

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AUSTIN C. SMITH
Plaintiff

v.

BOAZ WEINSTEIN, ADAM SHAW,
MICHAEL WOLK, MARSCHALL SMITH
Defendants

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) Case No.
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PLAINTIFF’S COMPLAINT

Plaintiff Austin Smith (“Smith” or “Plaintiff”) hereby files this first complaint upon personal knowledge as to those matters within his knowledge, and upon information and belief as to all other matters, as follows:

JURISDICTION

1. This court has jurisdiction over this action pursuant to 28 U.S.C. 1332
2. Venue is proper in the Southern District of New York under 28 U.S.C. 1391

PARTIES

3. Austin C. Smith is a natural person and citizen of the State of New York.
4. Boaz Weinstein is a natural person and citizen of the State of New York.
5. Adam Shaw is a natural person and citizen of the State of New York.
6. Michael Wolk is a natural person and citizen of the State of New Jersey
7. Marschall Smith is a natural person and resident of Minnesota.

FACTS

8. Since 2016, Smith has been litigating several billion dollar national class actions against, *inter alia*, Navient Solutions LLC, for more than 300,000 putative clients
9. Boaz Weinstein and Adam Shaw were at all times since 2016 rent seeking on Smith's work.
10. At some time in the fall of 2020, Weinstein and Shaw decided to accept a settlement offer from Navient without Smith's consent.
11. Knowing Smith would oppose, Adam Shaw did forge the Plaintiff's signature on a motion to withdrawal as counsel.
12. Adam Shaw did file the document which resulted in the Plaintiff's termination from the action.
13. Smith, realizing what was happeninbg, then spent six months trying to prevent Weinstein and Shaw from completing the settlement.
14. In. August 2020, Shaw and Weinstein did enlist Michael Wolk and Marschall Smith to place Smith into an involuntary medical guardianship.
15. In order to effectuate this, Marschall Smith signed a sworn affidavit attesting that Austin C. Smith lived in Nassau County, which was false and which he knew at the time to be false.
16. At the time, Smith overheard Wolk tell an unidentified third party (when he forgot to hang up his cell phone) "we know the judge in Nassau County so he won't oppose it."
17. Smith was stripped of all civil rights, and placed into a psychiatric hospital.
18. Marschall then closed all of the Plaintiff's bank accounts, took all of his working capital, and ensured his law firm could not continue to oppose the settlement.
19. In September 2023, the settlement with Navient was announced, under which Shaw and Weinstein would earn \$28 million.

CLAIMS FOR RELIEF

Count One: Declaratory Judgment

20. Plaintiff hereby incorporates the allegations in the preceding paragraphs as if fully set forth herein.

21. Plaintiff requests declaratory judgment that Marschall Smith and Michael Wolk did commit one act of perjury in August 2021.

Count Two: Tortious Interference

22. Plaintiff hereby incorporates the allegations in the preceding paragraphs as if fully set forth herein.

23. That the act of perjury described above did interfere with Smith's contractual rights with, *inter alia*, his clients.

24. Plaintiff requests that Defendants be held in contempt and ordered to pay damages in an amount to be determined at trial for tortious interference and also request an award of attorneys' fees and costs.

PRAYER

In light of the foregoing, Plaintiff requests that Defendants be cited to appear and judgment be entered against Defendants for:

- (1) declaratory relief
- (2) injunctive relief
- (3) actual damages and sanctions;
- (4) attorneys' fees and costs to the fullest extent permitted under the law;
- (5) prepetition and post-judgment interest; and
- (6) other such relief as the Court deems just and proper.

Respectfully submitted,

By: /s/ Austin C. Smith

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